



2003 ASSEMBLY BILL 511

September 11, 2003 – Introduced by Representatives F. LASEE, MUSSER, M. LEHMAN, LADWIG, FREESE, HAHN, ALBERS, KRAWCZYK, JESKEWITZ, OTT, PETROWSKI, WEBER, VAN ROY, BIES and HINES, cosponsored by Senators COWLES, A. LASEE, LASSA, KEDZIE, LAZICH and ROESSLER. Referred to Committee on Criminal Justice.

1 **AN ACT** *to renumber* 941.325; *to amend* 938.78 (3) and 941.325 (title); and *to*
2 **create** 939.66 (8) and 941.325 (2) of the statutes; **relating to:** placing bodily
3 substances in edibles and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from placing objects, drugs, or other substances in candy or other liquid or solid edibles with the intent to cause bodily harm to another person. A person who violates this prohibition on or after February 1, 2003, may be fined not more than \$10,000 or imprisoned for not more than three and a half years or both.

This bill prohibits a person from placing blood, saliva, urine, feces, or other bodily substances in candy or other liquid or solid edibles with the intent that the blood, saliva, urine, feces, or other bodily substances be consumed by another person without that other person's knowledge. The bill does not require that a person who violates this prohibition have the intent to cause bodily harm to another person. A person who violates the prohibition created in the bill may be fined not more than \$10,000 or imprisoned for not more than nine months or both. The bill also provides that a person may be convicted and punished for violating either the prohibition in current law or the prohibition created in the bill, but not both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 938.78 (3) of the statutes, as affected by 2001 Wisconsin Act 109,
2 is amended to read:

3 938.78 (3) If a juvenile adjudged delinquent under s. 48.12, 1993 stats., or s.
4 938.12 or found to be in need of protection or services under s. 48.13 (12), 1993 stats.,
5 or s. 48.13 (14), 1993 stats., or s. 938.13 (12) or (14) on the basis of a violation of s.
6 943.23 (1m), or (1r), 1999 stats., or s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.235,
7 941.237, 941.24, 941.26, 941.28, 941.295, 941.298, 941.30, 941.31, 941.32, 941.325
8 (1), 943.02, 943.03, 943.04, 943.10 (2) (a), 943.23 (1g), 943.32 (2), 948.02, 948.025,
9 948.03, 948.05, 948.055, 948.60, 948.605, or 948.61 or any crime specified in ch. 940
10 has escaped from a secured correctional facility, residential care center for children
11 and youth, secured group home, inpatient facility, as defined in s. 51.01 (10), secure
12 detention facility, or juvenile portion of a county jail, or from the custody of a peace
13 officer or a guard of such a facility, center, or jail, or has been allowed to leave a
14 secured correctional facility, residential care center for children and youth, secured
15 group home, inpatient facility, secure detention facility, or juvenile portion of a
16 county jail for a specified time period and is absent from the facility, center, home,
17 or jail for more than 12 hours after the expiration of the specified period, the
18 department or county department having supervision over the juvenile may release
19 the juvenile's name and any information about the juvenile that is necessary for the
20 protection of the public or to secure the juvenile's return to the facility, center, home,

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1 or jail. The department of corrections shall promulgate rules establishing guidelines
2 for the release of the juvenile's name or information about the juvenile to the public.

3 **SECTION 2.** 939.66 (8) of the statutes is created to read:

4 939.66 (8) The crime specified in s. 941.325 (2) when the crime charged is
5 specified in s. 941.325 (1).

6 **SECTION 3.** 941.325 (title) of the statutes is amended to read:

7 **941.325 (title) Placing foreign objects or bodily substances in edibles.**

8 **SECTION 4.** 941.325 of the statutes, as affected by 2001 Wisconsin Act 109, is
9 renumbered 941.325 (1).

10 **SECTION 5.** 941.325 (2) of the statutes is created to read:

11 941.325 (2) Whoever places blood, saliva, urine, feces, or other bodily
12 substances in candy or other liquid or solid edibles with the intent that the blood,
13 saliva, urine, feces, or other bodily substances be consumed by another person
14 without that other person's knowledge is guilty of a Class A misdemeanor.

15 **SECTION 6. Initial applicability.**

16 (1) This act first applies to offenses occurring on the effective date of this
17 subsection.

18 **SECTION 7. Effective date.**

19 (1) This act takes effect on February 1, 2003, or on the day after publication,
20 whichever is later.

21 (END)